

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

MARK BILELLO, DDS; PEGGY BILELLO;  
and QUEST IRA, INC. FBO MARK J. BILELLO  
IRA ACCOUNT 3130711,

Plaintiffs,

v.

BRANDON SCHWAB; KELLI SCHWAB;  
STEVE MASKREY; THERESA MASKREY;  
BOUTIQUE SENIOR LIVING ACADEMY LLC;  
SHEPHERD CAPITAL LLC; SHEPHERD CAPITAL  
LLC HUNTLEY; SHEPHERD CAPITAL LLC  
HUNTLEY 2; SHEPHERD CAPITAL BULL VALLEY,

Defendants.

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STEVE MASKREY and THERESA MASKREY,  
Cross-Plaintiffs

v.

BRANDON SCHWAB, KELLI SCHWAB and  
SHEPHERD CAPITAL LLC

Cross-Defendants.

CASE NO.: 23-cv-02139

Honorable Charles Kocoras

**MOTION FOR DEFAULT JUDGMENT**

Cross-Plaintiffs, Steve Maskrey and Theresa Maskrey, (“*Cross-Plaintiffs*”), by and through their undersigned counsel hereby move (the “*Motion*”) this Court for the entry of a Default Judgment against Cross-Defendants, Brandon Schwab, Kelli Schwab and Shepherd Capital, LLC (“*Cross-Defendants*”) In support of the Motion, the Cross-Plaintiffs respectfully state as follows:

1. On March 18, 2024, the Counter-Plaintiffs filed their First Amended Cross-Complaint against the Cross-Defendants in this case.

2. On March 26, 2024, Cross-Defendant Brandon Schwab was served with a copy of the First Amended Cross-Complaint and Summons. A copy of the Proof of Service is attached hereto as Exhibit A.

3. On March 26, 2024, Cross-Defendant Kelli Schwab was served with a copy of the First Amended Cross-Complaint and Summons. A copy of the Proof of Service is attached hereto as Exhibit B.

4. On March 26, 2024, Cross-Defendant Shepherd Capital LLC was served with a copy of the First Amended Cross-Complaint and Summons through its registered agent. A copy of the Proof of Service is attached hereto as Exhibit C.

5. The answers were due to be filed by the Cross-Defendants on or before April 16, 2024.

6. To date, none of the Cross-Defendants have appeared in this case and all Cross-Defendants have failed to file an answer or otherwise plead to the Cross-Complaint.

7. By virtue of their failure to answer or otherwise plead, the Cross-Defendants are in default.

8. Federal Rule 55(a), provides that when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, the party's default must be entered.

9. Upon a default, all well-plead allegations in a complaint, and in this case the Cross-Complaint, are deemed true for the purpose of the entry of a default judgment. *Quincy Bioscience, LLC v. Ellishbooks*, 957 F.3d 725, 729 (7th Cir. 2020), citing *Wehrs v. Wells*, 688 F.3d 886, 892 (7<sup>th</sup> Cir. 2012).

10. Pursuant to *Fed.R.Civ.P.* 55(b)(2), the Cross-Plaintiffs are entitled to a Final Judgment against the Cross-Defendants.

11. To the best of the Cross-Plaintiffs' knowledge, the Cross-Defendants are not minors, incompetent or currently in the military service.

12. Because the Cross-Defendants have failed to respond or otherwise plead or defend by the time permitted, the Cross-Plaintiffs respectfully request that this Court enter the Cross-Defendant's default in this action.

13. In support of this Motion, the Cross-Plaintiffs have submitted a sworn declaration from Steve Maskrey regarding the allegations in the Cross-Complaint and describing the amounts owed to the Cross-Plaintiffs. The Declaration is attached hereto as Exhibit D.

WHEREFORE, the Cross-Plaintiffs respectfully request that this Honorable Court enter an Order granting a Final Default Judgment against the Cross-Defendants in the amount of \$752,216.38 and granting such other and further relief as this Court deems justified.

Dated: May 16, 2024

Respectfully submitted,

**GOLDSTEIN & MCCLINTOCK LLP**

By: /s/ Jeffrey C. Dan.

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*Counsel for Cross-Plaintiffs*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this May 16, 2024, he caused a true and correct copy of the foregoing to be served via electronic mail, where indicated, and by first class mail, where indicated, on the following parties:

Dr. Laurence J. Pino  
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c/o Registered Agent Brandon Schwab  
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/s/ Jeffrey C. Dan